

411.35629PC2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. KOHLER

Serial No.: 09/865,201<sup>291</sup>

Filed: May 29, 2001

For: FUSION PROTEINS OF BIOLOGICALLY ACTIVE PEPTIDES AND ANTIBODIES

Group: 1645

Examiner: Huynh

RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 3, 2003

In response to the restriction requirement dated June 3, 2003, Applicants hereby elect **Group IX, Claims 20 - 26**, drawn to a fusion protein made of (1) an antibody and (2) a peptide wherein the antibody is specific for a specific membrane structure on a normal cell or on tumor cells and wherein the peptide is a specific binding site derived from a natural ligand for a specific cellular receptor, and a fusion gene encoding said fusion protein. The election is made with traverse on the grounds that it is possible for some antibodies to be both specific for a membrane structure on a tumor cell, and for a specific cellular receptor, an example being an anti-idiotypic antibody, such as is elected herein. Accordingly, the products of Groups IX and XII do not necessarily differ with respect to structure, physiochemical properties and effects as alleged by the Examiner.

In response to the election of species, Applicants hereby elect the murine anti-

idiotype antibody 3H1 as the antibody and the complement fragment C3d as the peptide. Claim 21 reads on the elected species.


Kindly charge any additional fees due, or credit overpayment of fees, to  
Deposit Account No. 01-2135 (411.35629PC2).

Respectfully submitted,  
ANTONELLI, TERRY, STOUT & KRAUS

RTW/RTW  
(703)312-6600

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Ralph T. Webb  
Reg. No. 33,047



12/3/03

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